

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-11745RWZ

BARBARA DEIGHTON HAUPT, Trustee)
of BD REALTY TRUST,)
Plaintiff)
)
v.)
)
THE TOWN OF WAREHAM acting by)
and through the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM, and the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM,)
Defendants)

JOINT EXHIBIT LIST

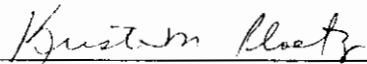
1. ✓ "Plan Accompanying Abbreviated Notice of Resource Area Delineation on Land in Wareham, MA prepared for Glick Realty Corporation", drawn by Thompson Surveying & Engineering, Inc., dated May 4, 2000 and revised through June 19, 2000
2. ✓ "Plan of Land in Wareham, Mass. Prepared for BD Realty Trust", drawn by Vautrinot Land Surveying, Inc., dated May 7, 2001 and revised through March 28, 2003
3. ✓ Flood Insurance Rate Map for Town of Wareham, Panel 7 of 17 for Community Panel Number 255223-0007-D, as revised through July 15, 1992
4. ✓ Notice of Sewer Availability dated November 8, 2000
5. ✓ Building Sewer Permit dated July 29, 1982
6. ✓ Notice of Taking
7. ✓ Order of Taking
8. ✓ Land Court Plan 12124D
9. ✓ Town of Wareham Zoning Bylaws as revised through April 28, 2003

10. ✓ Town of Wareham Zoning Map as revised through February 1, 1999
11. ✓ Deed conveying Premises to Plaintiff (unredacted)
12. ✓ Architectural renderings of proposed two-family home dated December 10, 2003
13. ✓ "Foundation Plan – V-Zone Foundation BD Realty Trust" dated April 2, 2003, drawn by Field Engineering Co., Inc. (Sheets S-1 through S-3)
14. ✓ Notice of Intent (#SE76-1303) dated May 8, 2001, filed by Plaintiff for the Premises.
15. ✓ Order of Conditions denying Notice of Intent (#SE76-1303) and accompanying letter from Wareham Conservation Commission.
16. ✓ Notice of Intent (#SE76-1380) dated January 4, 2002, filed by the Plaintiff for the Premises.
17. ✓ Order of Conditions denying Notice of Intent (#SE76-1380) and accompanying letter from Wareham Conservation Commission.
18. ✓ Superceding Order of Conditions issued by DEP (#SE76-1380)
19. ✓ Wareham Assessor's records from 1951-1953
20. ✓ Wareham Assessors Cards for the years 2000 to 2004 inclusive
21. ✓ Aerial photographs
one (1) photo dated 1952 (including a zoomed in version) [21A & 21B]
two (2) photos dated July 14, 1977 [21C (premises) & 21D (town beach)]
one (1) photo dated August 1987 [21E]
one (1) photo dated August 1991 [21F]
seven (7) photos dated August 2005 [21G-M]
22. ✓ Twenty-one (21) photographs [22A-22U]
23. ✓ Land Court Plan No. 12124A 1926 Plan of Land Sheet 1 & Sheet 2.
24. ✓ Land Court Plan No. 12124B 1931 Subdivision of Lot C.
25. ✓ Land Court Plan No. 12124C 1931 Subdivision of Lot D.
26. ✓ Land Court Plan No. 12124E 1940 Subdivision of Lot D.
27. ✓ Land Court Plan No. 12124G 1948 Subdivision Plan.

28. ✓ Soil Survey for Plymouth County Sheet No. 54 attachment 7 to the Daylor Report.
29. ✓ Land Court Plan No. 121241 1977 Subdivision Plan.
30. ✓ Swifts Beach, 1893 USGS 15-Minute Series, Falmouth Quadrangle topographical map.
31. ✓ Swifts Beach, 1941 USGS 7.5-Minute Series Quadrangle topographical map.
32. ✓ Swifts Beach, 1953 USGS 7.5-Minute Series Quadrangle topographical map.
33. ✓ Swifts Beach, 1967 USGS 7.5-Minute Series Quadrangle topographical map.
34. ✓ Swifts Beach, 1901 Coast Chart #112, Vineyard Sound and Buzzards Bay, August 1901.
35. ✓ Swifts Beach, 1911 Navigation Chart #249 for Buzzards Bay, August 1911.
36. ✓ Swifts Beach, 1931 Navigation Chart #251 for Head of Buzzards Bay, November 1931.
37. ✓ Figures 1 through 5 (inclusive) attached to Report of Robert Daylor
38. ✓ "Plan of Land in Wareham, Mass. Prepared for BD Realty Trust", drawn by Vautrinot Land Surveying, Inc., dated May 7, 2001 and revised through November 26, 2003
39. ✓ Army Corps of Engineers letter dated August 23, 2003 responding to Plaintiff's application for groin permit
40. ✓ Architectural rendering of proposed two-family home and layout of beach club parking dated September 21, 2003
41. ✓ August 31, 2003 video of the Premises taken by Plaintiff
42. ✓ "Plan of Land in Wareham, Mass. Prepared for BD Realty Trust", drawn by Vautrinot Land Surveying, Inc., dated May 7, 2001 and revised through December 18, 2001
43. ✓ Order to Stay issued by the Massachusetts Division of Administrative Law Appeals, dated January 30, 2004
44. ✓ 250 CMR 4.00 (Rules of Professional Responsibility)

45. [Marked for identification only] Letter from Alan Vautrinot dated July 11, 2001
46. ✓ Revised Existing Conditions Plan, prepared by McKenzie Engineering Group, Inc., dated March 2007
47. ✓ Revised Concept Plan C-2, prepared by McKenzie Engineering Group, Inc., dated March 2007
48. ✓ Revised Concept Plan C-3, prepared by McKenzie Engineering Group, Inc., dated March 2007
49. ✓ Curriculum vitae for Robert Daylor
50. ✓ Curriculum vitae for Lenore White
51. ✓ Curriculum vitae for Bradley McKenzie
52. ✓ Curriculum vitae for Steven Elliott
53. ✓ Overlay transparency prepared by Robert Daylor
54. ✓ [Marked for identification only] Daylor Exhibit C – 2006 Wetland Resource Area Delineations Plan
55. ✓ Curriculum vitae for Richard Dennis
- ✓ 56. Agreed Stipulated Facts

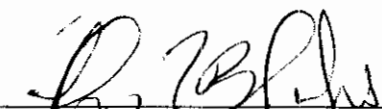
BARBARA DEIGHTON HAUP, TRUSTEE
OF BD REALTY TRUST,
By her attorneys,



Jeffrey T. Angley, Esq.
B.B.O. #543958
Kristen M. Ploetz, Esq.
B.B.O. #654549
Phillips & Angley
One Bowdoin Square
Boston, MA 02114
(617) 367-8787
Date: 4/18/2007

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TOWN OF WAREHAM,
By its attorneys,



Richard P. Bowen, Esq.
B.B.O. #552814
Jeffrey T. Blake, Esq.
B.B.O. #655773
Kopelman & Paige, P.C.
101 Arch Street
Boston, MA 02110-1109
(617) 556-0007
Date: